

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JAMES H. MAXWELL,

Plaintiff,

v.

REAL CHANGE,

Defendant.

CASE NO. C14-0126-JCC

ORDER ADOPTING REPORT AND  
RECOMMENDATION

This matter comes before the Court on U.S. Magistrate Judge Brian Tsuchida's Report and Recommendation (Dkt. No. 8), to which Plaintiff has filed no objections. The Court adopts Judge Tsuchida's recommendations for the following reasons.

**I. Background**

James Maxwell filed a pro se 28 U.S.C. §1983 action challenging an "upper management sanction disciplining action," that Real Change, his alleged private employer, took against him. Mr. Maxwell was advised that he cannot sue Real Change because a Section 1983 lawsuit can only be brought against a state actor. Mr. Maxwell was given leave to show cause no later than March 5, 2014 why the matter should not be dismissed. (Dkt. No. 7.) Mr. Maxwell failed to respond. Judge Brian Tsuchida submitted his Report and Recommendation advising that the matter be dismissed with prejudice. (Dkt. No. 8.) Mr. Maxwell did not file any opposition papers to the Report and Recommendation.

**II. Adoption of the Report and Recommendation**

The Court, having considered the record and the Report and Recommendation of the Honorable Brian A. Tsuchida, hereby ORDERS:

- (1) The Report and Recommendation is adopted;
- (2) The matter is dismissed with prejudice; and
- (3) The Clerk shall mail a copy of this order to plaintiff.

DATED this 6th day of January 2015.

A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

John C. Coughenour  
UNITED STATES DISTRICT JUDGE